



General Assembly

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Amendment

LCO No. 4227

SB0038904227SR0

Offered by:
SEN. FASANO, 34th Dist.

To: Subst. Senate Bill No. 389

File No. 199

Cal. No. 182

***"AN ACT AUTHORIZING MUNICIPALITIES TO ESTABLISH A
SPECIAL ASSESSMENT ON BLIGHTED HOUSING."***

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 8-193 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) After approval of the development plan as provided in this
6 chapter, the development agency may proceed by purchase, lease,
7 exchange or gift with the acquisition or rental of real property within
8 the project area and real property and interests therein for rights-of-
9 way and other easements to and from the project area. [The
10 development agency may, with the approval of the legislative body,
11 and in the name of the municipality, acquire by eminent domain real
12 property located within the project area and real property and interests
13 therein for rights-of-way and other easements to and from the project
14 area, in the same manner that a redevelopment agency may acquire
15 real property under sections 8-128 to 8-133, inclusive, as if said sections

16 specifically applied to development agencies.] The development
17 agency may, with the approval of the legislative body and, of the
18 commissioner if any grants were made by the state under section 8-190
19 or 8-195 for such development project, and in the name of such
20 municipality, transfer by sale or lease at fair market value or fair rental
21 value, as the case may be, the whole or any part of the real property in
22 the project area to any person, in accordance with the project plan and
23 such disposition plans as may have been determined by the
24 commissioner.

25 (b) A development agency shall have all the powers necessary or
26 convenient to undertake and carry out development plans and
27 development projects, including the power to clear, demolish, repair,
28 rehabilitate, operate, or insure real property while it is in its
29 possession, to make site improvements essential to the preparation of
30 land for its use in accordance with the development plan, to install,
31 construct or reconstruct streets, utilities and other improvements
32 necessary for carrying out the objectives of the development project,
33 and, in distressed municipalities, as defined in section 32-9p, to lend
34 funds to businesses and industries in a manner approved by the
35 commissioner.

36 Sec. 502. Subsection (g) of section 32-224 of the general statutes is
37 repealed and the following is substituted in lieu thereof (*Effective from*
38 *passage*):

39 (g) After approval of the development plan pursuant to sections 32-
40 220 to 32-234, inclusive, the implementing agency may by purchase,
41 lease, exchange or gift acquire or rent real property necessary or
42 appropriate for the project as identified in the development plan and
43 real property and interests therein for rights-of-way and other
44 easements to and from the project area. [The implementing agency
45 may, with the approval of the legislative body of the municipality, and
46 in the name of the municipality, condemn in accordance with section
47 8-128 to 8-133, inclusive, any real property necessary or appropriate for
48 the project as identified in the development plan, including real

49 property and interests in land for rights-of-way and other easements to
50 and from the project area.]

51 Sec. 503. Subdivision (3) of subsection (c) of section 7-148 of the
52 general statutes is repealed and the following is substituted in lieu
53 thereof (*Effective from passage*):

54 (3) (A) Take or acquire by gift, purchase, grant, including any grant
55 from the United States or the state, bequest or devise and hold,
56 condemn, lease, sell, manage, transfer, release and convey such real
57 and personal property or interest therein absolutely or in trust as the
58 purposes of the municipality or any public use or purpose, including
59 that of education, art, ornament, health, charity or amusement,
60 cemeteries, parks or gardens, or the erection or maintenance of statues,
61 monuments, buildings or other structures, [or the encouragement of
62 private commercial development,] require, except that no property
63 may be condemned for purposes of a development project as defined
64 in section 8-187. Any lease of real or personal property or any interest
65 therein, either as lessee or lessor, may be for such term or any
66 extensions thereof and upon such other terms and conditions as have
67 been approved by the municipality, including without limitation the
68 power to bind itself to appropriate funds as necessary to meet rent and
69 other obligations as provided in any such lease;

70 (B) Provide for the proper administration of gifts, grants, bequests
71 and devises and meet such terms or conditions as are prescribed by the
72 grantor or donor and accepted by the municipality.

73 Sec. 504. Section 7-600 of the general statutes is repealed and the
74 following is substituted in lieu thereof (*Effective from passage*):

75 (a) Any municipality may by resolution of its legislative body
76 establish neighborhood revitalization zones, in one or more
77 neighborhoods, for the development by neighborhood groups of a
78 collaborative process for federal, state and local governments to
79 revitalize neighborhoods where there is a significant number of
80 deteriorated property and property that has been foreclosed, is

81 abandoned, blighted or is substandard or poses a hazard to public
82 safety. The resolution shall (1) provide that the chief executive official
83 facilitate the planning process for neighborhood revitalization zones
84 by assigning municipal staff to make available information to
85 neighborhood groups and to modify municipal procedures to assist
86 neighborhood revitalization zones, and (2) establish a process for
87 determination of the boundaries of neighborhood revitalization zones.

88 (b) Public buildings in the municipality shall be available for
89 neighborhood groups to meet for neighborhood revitalization
90 purposes as determined by the chief executive official.

91 (c) As used in this section "deteriorated property" means property in
92 serious noncompliance with state and local health and safety codes
93 and regulations. Such deteriorated property includes, but is not limited
94 to:

95 (1) Any dwelling that, because it is dilapidated, unsanitary, unsafe,
96 vermin-infested or lacking in the facilities and equipment required by
97 the housing code of the municipality, is unfit for human habitation;

98 (2) Any structure that is a fire hazard, or is otherwise dangerous to
99 the safety of persons or property;

100 (3) Any structure from which the utilities, plumbing, heating,
101 sewerage or other facilities have been disconnected, destroyed,
102 removed or rendered ineffective so that the property is unfit for its
103 intended use; and

104 (4) Any vacant or unimproved lot or parcel of land in a
105 predominantly developed neighborhood that, by reason of neglect or
106 lack of maintenance, has become a place for accumulation of trash and
107 debris, or a haven for rodents or other vermin.

108 Sec. 505. (NEW) (*Effective July 1, 2006*) (a) There is established an
109 Office of Property Rights Ombudsman which shall be within the Office
110 of Policy and Management for administrative purposes only. The

111 Office of Property Rights Ombudsman shall be under the direction of a
112 Property Rights Ombudsman who shall be appointed in accordance
113 with section 506 of this act.

114 (b) The Office of Property Rights Ombudsman shall:

115 (1) Develop and maintain expertise in, and understanding of, the
116 (A) provisions of the federal and state constitutions governing the
117 taking of private property and provisions of state law authorizing a
118 public agency to take private property, and (B) case law interpreting
119 such provisions;

120 (2) Assist public agencies in applying constitutional and statutory
121 provisions concerning eminent domain;

122 (3) At the request of a public agency, provide assistance in
123 analyzing actions that have potential eminent domain implications;

124 (4) Advise private property owners who have a legitimate potential
125 or actual claim against a public agency with the power of eminent
126 domain;

127 (5) Identify state or local governmental actions that have potential
128 eminent domain implications and, if appropriate, advise the
129 appropriate public agency about such implications;

130 (6) Provide information to private citizens, civic groups and other
131 interested parties about eminent domain law and their rights with
132 respect to eminent domain;

133 (7) If requested to do so by a private property owner: (A) Arbitrate
134 or arrange for the arbitration of disputes concerning the use of eminent
135 domain and related relocation assistance between private property
136 owners and public agencies, and (B) to the extent deemed feasible by
137 the Property Rights Ombudsman, mediate such disputes;

138 (8) Assist private property owners with respect to disputes
139 concerning the effect of municipal regulation of the use and occupancy

140 of real property, except that such assistance shall not include
141 mediation or arbitration unless requested under section 507 of this act;
142 and

143 (9) Recommend to the General Assembly changes that, in the
144 opinion of the Property Rights Ombudsman, should be made to the
145 general statutes related to eminent domain.

146 (c) For purposes of this section and sections 506 to 513, inclusive, of
147 this act, "public agency" means a public agency, as defined in section 1-
148 200 of the general statutes, with the power to acquire property through
149 eminent domain and includes an entity authorized to acquire property
150 through eminent domain on behalf of the public agency.

151 Sec. 506. (NEW) (*Effective July 1, 2006*) The Property Rights
152 Ombudsman shall be appointed by the Governor in accordance with
153 sections 4-5 to 4-8, inclusive, of the general statutes, as amended by
154 this act. The Property Rights Ombudsman shall be an elector of the
155 state with expertise and experience in the field of real estate sales, real
156 estate appraisals or land use regulation. The Property Rights
157 Ombudsman shall not have been employed or served in an official
158 capacity with respect to any eminent domain procedure for a period of
159 one year prior to appointment.

160 Sec. 507. (NEW) (*Effective July 1, 2006*) (a) (1) The Property Rights
161 Ombudsman shall adopt regulations, in accordance with chapter 54 of
162 the general statutes, to establish an arbitration procedure for the
163 settlement of disputes between private property owners and public
164 agencies concerning (A) the use of eminent domain, and (B) relocation
165 assistance.

166 (2) The Property Rights Ombudsman may adopt regulations, in
167 accordance with chapter 54 of the general statutes, to establish a
168 mediation procedure for requests filed pursuant to this section.

169 (b) Any private property owner may file a request with the Property
170 Rights Ombudsman to have an eminent domain or relocation

171 assistance dispute between the private property owner and a public
172 agency heard before an arbitrator or arbitration panel. The private
173 property owner shall file the request, in writing, on forms prescribed
174 by the Property Rights Ombudsman or by calling a toll-free telephone
175 number that the Property Rights Ombudsman shall establish for such
176 purpose. Not later than fifteen days after filing the initial request for
177 arbitration, the private property owner shall file, on forms prescribed
178 by the Property Rights Ombudsman, any information the Property
179 Rights Ombudsman requires to determine whether to grant the
180 request, except that the Property Rights Ombudsman may grant an
181 extension of time for filing such information.

182 (c) (1) Not later than five days after receiving the request for
183 arbitration and information pursuant to subsection (b) of this section,
184 the Property Rights Ombudsman shall conduct an initial review of the
185 request and information and determine whether the dispute should be
186 accepted or rejected for arbitration based on criteria established by
187 regulations adopted under section 511 of this act. If the Property
188 Rights Ombudsman declines to arbitrate or appoint an arbitrator, the
189 Property Rights Ombudsman shall issue a written decision to the
190 property owner who filed the request specifying the reasons for the
191 decision.

192 (2) The Property Rights Ombudsman may appoint an individual
193 arbitrator or an arbitration panel to arbitrate a dispute, at the option of
194 the Property Rights Ombudsman or upon agreement of the parties,
195 when: (A) Any party objects to the Property Rights Ombudsman
196 serving as the arbitrator and agrees to pay for the services of the
197 arbitrator or panel; (B) the Property Rights Ombudsman declines to
198 arbitrate the dispute for a reason stated on the record and one or more
199 parties are willing to pay for the services of an arbitrator or panel; or
200 (C) the Property Rights Ombudsman finds it appropriate to appoint
201 another person or persons to arbitrate the dispute with no charge to
202 the parties for the services of the appointed arbitrator or panel. In
203 appointing an arbitrator or panel to arbitrate a dispute, the Property
204 Rights Ombudsman shall appoint arbitrators who are agreeable to the

205 parties and the Property Rights Ombudsman.

206 (3) Upon granting a request for arbitration, the Property Rights
207 Ombudsman shall notify each relevant public agency of the filing and
208 granting of the request for arbitration. The private property owner
209 who filed the request and each such public agency shall submit, in
210 writing, on a form prescribed by the Property Rights Ombudsman, any
211 information the Property Rights Ombudsman deems relevant to the
212 arbitration and resolution of the dispute.

213 (4) The Property Rights Ombudsman may, in his or her discretion,
214 mediate a dispute filed under this section if (A) the parties consent to
215 such mediation, and (B) regulations are adopted for such purpose
216 pursuant to subsection (a) of this section.

217 (5) The parties may agree in advance of arbitration that the
218 arbitration shall be binding and that no de novo trial by a court may
219 occur.

220 (6) The Property Rights Ombudsman shall investigate, gather and
221 organize all information necessary for a fair and timely resolution of
222 each dispute to be mediated or arbitrated under this section. The
223 Property Rights Ombudsman may issue subpoenas on behalf of the
224 Property Rights Ombudsman, arbitrator or arbitration panel to compel
225 the attendance of witnesses and the production of documents, papers
226 and records relevant to the dispute. The Property Rights Ombudsman
227 may forward a copy of all written testimony, including all
228 documentary evidence, to an independent technical expert or to any
229 person having a degree or other credentials from a nationally
230 recognized organization or institution attesting to relevant expertise,
231 for such person's review and to facilitate such person's assistance to the
232 Property Rights Ombudsman, arbitrator or arbitration panel. The
233 Property Rights Ombudsman, arbitrator or arbitration panel shall, not
234 later than sixty days after the date the request is filed under subsection
235 (b) of this section, render a decision based on the information and issue
236 written findings and reasons for the decision.

237 (d) Mediation or arbitration by or through the Office of Property
238 Rights Ombudsman shall not be required prior to bringing an action to
239 adjudicate any claim.

240 (e) The lack of mediation or arbitration by or through the Office of
241 Property Rights Ombudsman shall not constitute (1) a failure to obtain
242 a final decision under chapter 54 of the general statutes, or otherwise
243 exhaust available administrative remedies, or (2) a bar to any legal
244 action. Not more than thirty days after the issuance of a final decision
245 under this section, any party may submit the decision or any issue
246 upon which the decision is based to the Superior Court for de novo
247 review, unless otherwise agreed as provided in subdivision (5) of
248 subsection (c) of this section.

249 (f) Except as provided in section 513 of this act, the filing with the
250 Property Rights Ombudsman of a request for mediation or arbitration
251 of an eminent domain or relocation assistance matter shall not stay any
252 land use decision by a public agency.

253 (g) No employee of the Office of Property Rights Ombudsman may
254 be compelled to testify in a civil action with regard to the subject
255 matter of any dispute before the Office of Property Rights
256 Ombudsman.

257 (h) Evidence of a review by the Property Rights Ombudsman and
258 the opinions, writings, findings and decisions of the Property Rights
259 Ombudsman or any arbitrator or arbitration panel pursuant to this
260 section shall not be admissible as evidence in any action brought in
261 court with respect to the same dispute.

262 (i) The Property Rights Ombudsman may not represent a private
263 property owner or public agency in any dispute before a court or
264 public agency.

265 Sec. 508. (NEW) (*Effective July 1, 2006*) Each public agency shall
266 comply with reasonable requests of the Office of Property Rights
267 Ombudsman for information and assistance.

268 Sec. 509. (NEW) (*Effective July 1, 2006*) No employee in the Office of
269 Property Rights Ombudsman may:

270 (1) Be employed by, or hold a position on, any public agency other
271 than the Office of Property Rights Ombudsman;

272 (2) Receive or have the right to receive, directly or indirectly,
273 remuneration under a compensation arrangement with respect to an
274 eminent domain procedure; or

275 (3) Knowingly accept employment with a public agency for a period
276 of one year following termination of that person's services with the
277 Office of Property Rights Ombudsman.

278 Sec. 510. (NEW) (*Effective July 1, 2006*) (a) The Property Rights
279 Ombudsman may apply for and accept grants, gifts and bequests of
280 funds from other states, federal and interstate agencies and
281 independent authorities and private firms, individuals and
282 foundations, for the purpose of carrying out the responsibilities of the
283 Office of Property Rights Ombudsman.

284 (b) There is established, within the General Fund, a Property Rights
285 Ombudsman account that shall be a separate nonlapsing account. Any
286 funds received under this section shall, upon deposit in the General
287 Fund, be credited to said account and may be used by the Office of
288 Property Rights Ombudsman in the performance of its duties.

289 Sec. 511. (NEW) (*Effective July 1, 2006*) The Property Rights
290 Ombudsman shall adopt regulations, in accordance with chapter 54 of
291 the general statutes, to implement sections 505 to 510, inclusive, of this
292 act. Such regulations shall establish criteria to be used by the Property
293 Rights Ombudsman in determining whether to accept or reject a
294 request for arbitration filed pursuant to section 507 of this act.

295 Sec. 512. (NEW) (*Effective July 1, 2006*) Each public agency seeking to
296 acquire property by eminent domain shall: (1) Before initiating the
297 eminent domain action, make a reasonable effort to negotiate with the

298 property owner for the purchase of the property; and (2) as early in the
299 negotiation process for the real property as practicable, but not later
300 than fourteen days before the filing of an eminent domain action,
301 unless the court for good cause allows a shorter period before filing:
302 (A) Advise the property owner of available mediation and arbitration
303 under section 507 of this act, including the name, address and
304 telephone number of the Property Rights Ombudsman appointed
305 pursuant to section 506 of this act, and (B) provide the property owner
306 with a written statement explaining that oral representations or
307 promises made during the negotiation process are not binding on the
308 public agency seeking to acquire the property by eminent domain. The
309 information provided under subparagraphs (A) and (B) of this
310 subdivision shall be in such form as the Property Rights Ombudsman
311 prescribes.

312 Sec. 513. (NEW) (*Effective July 1, 2006*) (a) In any dispute between a
313 public agency seeking to acquire real property by eminent domain and
314 a private property owner, the private property owner may submit the
315 dispute for mediation or arbitration to the Property Rights
316 Ombudsman under sections 505 to 511, inclusive, of this act.

317 (b) Except as provided in subsection (c) of this section, an action
318 submitted to the Property Rights Ombudsman under this section shall
319 not bar or stay any action for occupancy or possession of property
320 which is the subject of the dispute.

321 (c) The Property Rights Ombudsman or an arbitrator, acting at the
322 request of the private property owner under section 507 of this act,
323 shall have standing in an action brought in any court concerning the
324 real property that is the subject of the dispute and may file with such
325 court a motion to stay the action during the pendency of the mediation
326 or arbitration. The Property Rights Ombudsman or arbitrator may not
327 file such a motion unless the ombudsman or arbitrator certifies at the
328 time of filing the motion that a stay is reasonably necessary to reach a
329 resolution of the case through mediation or arbitration. If a stay is
330 granted and the order granting the stay does not specify when the stay

331 terminates, the ombudsman or arbitrator shall file with the court a
332 motion to terminate the stay not more than thirty days after: (1) The
333 resolution of the dispute through mediation; (2) the issuance of a final
334 arbitration decision; or (3) a decision by the Property Rights
335 Ombudsman not to grant a request for mediation or arbitration.

336 (d) The private property owner or displaced person may request
337 that the ombudsman or arbitrator authorize an additional appraisal. If
338 the ombudsman or arbitrator determines that an additional appraisal
339 is reasonably necessary to reach a resolution of the case, the
340 ombudsman or arbitrator may: (1) Arrange for an additional appraisal
341 of the property prepared by an independent appraiser; and (2) require
342 the public agency proposing to acquire the property to pay the costs of
343 the first additional appraisal.

344 Sec. 514. Section 4-5 of the general statutes is repealed and the
345 following is substituted in lieu thereof (*Effective July 1, 2006*):

346 As used in sections 4-6, 4-7, as amended, and 4-8, the term
347 "department head" means Secretary of the Office of Policy and
348 Management, Commissioner of Administrative Services,
349 Commissioner of Revenue Services, Banking Commissioner,
350 Commissioner of Children and Families, Commissioner of Consumer
351 Protection, Commissioner of Correction, Commissioner of Economic
352 and Community Development, State Board of Education,
353 Commissioner of Emergency Management and Homeland Security,
354 Commissioner of Environmental Protection, Commissioner of
355 Agriculture, Commissioner of Public Health, Insurance Commissioner,
356 Labor Commissioner, Liquor Control Commission, Commissioner of
357 Mental Health and Addiction Services, Commissioner of Public Safety,
358 Commissioner of Social Services, Commissioner of Mental Retardation,
359 Commissioner of Motor Vehicles, Commissioner of Transportation,
360 Commissioner of Public Works, Commissioner of Veterans' Affairs,
361 Commissioner of Health Care Access, Chief Information Officer, the
362 chairperson of the Public Utilities Control Authority, the executive
363 director of the Board of Education and Services for the Blind, [and] the

364 executive director of the Connecticut Commission on Culture and
365 Tourism and the Property Rights Ombudsman."